THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 4 of 2006

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DATED: 03.01.2006

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Between:

Lekkala Nageswara Rao & others

... PETITIONERS

AND

The District Collector,

Ongole, Prakasam District & others.

... RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 4 of 2006

ORDER:-

This writ petition is filed to declare the proceedings, dated 18.11.2005 in Rc.No.CS2/2901/2005 issued by the 1st respondent herein as illegal, arbitrary and consequently set aside the same insofar as bifurcating the area of Ayyavaripalem village is concerned for the purpose of creating a new fair price shop at Venkatakrishnapuram.

The petitioners are fair price shop cardholders and are residents of Ayyavaripalem Village. It is stated that their area falls nearer to Tangella village, but their cards have been attached to the Venkata Krishnapuram, which is contrary to the guidelines issued in Government Memo, dated 22.01.1999. It is also stated that as per the Memo, dated 22.01.1999, where the total number of cards in a village is less then 350, a shop may be continued in that village only and attaching the cards of one village to a shop in another village should be avoided.

Learned Government Pleader appearing for the respondents submits that as against the impugned order, an appeal lies with the Commissioner for Civil Supplies.

Having regard to the facts and circumstances of the case, and as there is an appeal remedy available to the petitioners, they are directed to file an appeal before the Commissioner of Civil Supplies against the impugned order, dated 18.11.2005, within two weeks from the date of receipt of a copy of this order. If any such appeal is filed, the same shall be disposed of in accordance with law.

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03.01.2006

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